REMARKS/ARGUMENTS:

Claims 1-20 remain in this application. Claims 8, 11 and 13 have been amended. Claims 18-20 have been added.

The following issues were present in the Office Action of November 1, 2005:

1. Claims 1-6, 9, 10 and 12-17 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,142,982 (Hunt et al.) in view of U.S. Patent No. 3,978,855 (McRae et al.);
2. Claim 7 was rejected under 35 U.S.C. §103(a) over Hunt et al. in view of McRae et al., and further in view of U.S. Pat. No. 4,997,425 (Shioya et al.); and
3. Claims 8 and 11 were rejected under 35 U.S.C. §103(a) over Hunt et al. in view of McRae et al., and further in view of U.S. Patent No. 6,252,129 (Coffee).

Each of these will be addressed in turn.

1. Rejection of Claims 1-6, 9, 10 and 12-17 under 35 U.S.C. §103(a) over Hunt et al. in view of McRae et al.

The Examiner rejected claims 1-6, 9-10, and 12-17 over Hunt et al. in view of McRae et al. The Examiner applied Hunt et al. with respect to claim 4 as teaching a dressing is a pad of polyurethane foam, but did not address the polyether foam. McRae et al. was cited for teaching a wound dressing comprised of open-celled polyurethane foam that is *compressed* to cause cells near at least one surface of the foam to collapse

either temporarily or permanently, decreasing their pore size and thus creating a microporous skin on the particular surface area, leaving the cells in areas remote from the skin at their original size. The purpose of this teaching was to promote sufficient wicking and absorption at the microporous skin surface adjacent the wound surface and the larger size is to allow ready absorption while still being small enough to be capable of prohibiting excess exudates absorbed by the microporous skin to pass into the remote region.

Applicants respectfully traverse this rejection. First with respect to claim 1 and its dependent claims, Applicants note that the cells on the surface of the McRae et al. disclosure "must be *permanently* but only partially collapsed to produce a microporous surface", not to temporarily collapse the cells as argued by the Examiner. *See* col. 4, lines 42-48 (emphasis added), and lines 8-14. In fact, the word "temporary" or "temporarily" is found nowhere in McRae et al.

Second, the *permanent* collapse of the cells is caused by *compression*. *See* col. 4, lines 13-17. It is known in the art that during compression, the cells in the foam collapse first in the middle of the foam, and later throughout the entire body (and on the exterior surface). The application of a negative pressure to the foam of McRae et al., modified or not with Hunt et al., would inherently *fail to function* as intended. This inability to function is evident for several reasons.

First, the *already reduced pore size* of McRae et al., which has been subjected to heat *and* compression, would be *compressed further* under subatmospheric pressure, thereby *reducing the pore size even more* and tending to result in an occlusive dressing! Such an occlusive dressing is the very dressing that McRae et al. is teaching to avoid.

The additional reduction in pore size would fail to allow the wound fluid to properly flow through the foam, much less allow an effective communication of the subatmospheric pressure to the wound site. In fact, the increased compression could reasonably lead to *complete collapse* of the foam of McRae et al., thereby *failing to function* when used in combination with Hunt et al. One of skill in the art would therefore avoid the combination of McRae et al. with Hunt et al., because there would be no reasonable chance for success in the combination.

Second, the modified foam would destroy the wicking purpose of McRae et al. Col. 4, lines 49-52. In essence, the additional compressive forces caused by the subatmospheric pressure of Hunt et al. in combination with McRae et al. would *decrease* any chance of wicking and absorbing of exudates because of the complete closure or at least reduction in the already reduced pore size of McRae et al. that leads to an occlusive dressing. One of skill in the art would avoid applying a reduced pressure to a dressing that already has undergone irreversible compression reduction of pore size (and thermal treatment). Such a surface modification would not be absorbent, but instead be repellent and occlusive of any would fluids.

McRae et al. further teaches away from a combination with any pressure (Col. 2) by describing it as a problem in the art. Rather, McRae et al. teaches the incorporating (by impregnation or dipping) of a wetting agent into the foam. Such wetting agent is necessarily withdrawn when the foam is undergoing subatmospheric pressure, when the dressing is combined with Hunt et al. Therefore, the very agent that McRae et al. teach to overcome the use of pressure would be withdrawn, and therefore counter-purpose to McRae et al. Moreover, and most problematic, McRae et al. teach that this

wetting agent is toxic. Indeed, McRae et al. explicitly state "Beyond that level, most wetting agents appear to be *at least* slightly toxic to epidermal cells on the wound surface and to impair epidermal regeneration." Col. 5, lines 58-61. The combination of McRae et al. with Hunt et al. would therefore defeat the purpose of Hunt et al., which is to heal rather than impair epidermal regeneration.

Finally, in order for McRae et al. to fit any size wound, trimming of the foam would be required. The trimming step, however, would necessarily remove the outer surface of McRae et al., therefore removing the reduced pore size material and defeating any wicking/capillary action that is taught by McRae et al.

For these reasons, claim 1 is submitted to be non-obvious in view of McRae et al., either alone or in combination with Hunt et al. Applicants respectfully request withdrawal of the rejection and allowance of claim 1 and dependent claims 2-9, 12, 14, and 16-18.

Claim 10 has been amended to clarify the adaptability of the pad to communicate with a negative pressure source. Because McRae et al. could not be reasonably expected to communicate with a negative pressure source as explained above, claim 10 is submitted to be allowable over the art made of record. Dependent claims 11, 13, 15 and 19 are likewise submitted to be allowable. Applicants respectfully request withdrawal of the rejection and allowance of claim 10 and dependent claims 13, 15 and 19.

2. Rejection of Claim 7 under 35 U.S.C. §103(a) over Hunt et al. in view of McRae et al., and further in view of Shioya et al.

Claim 7 depends on claim 1, which is allowable at least for the reasons stated above. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of claim 7.

3. Rejection of Claims 8 and 11 under 35 U.S.C. §103(a) over Hunt et al. in view of McRae et al., and further in view of Coffee

Claims 11 has been amended to correct a typographical error in the preamble. Claim 8 is dependent on claim 1, which is allowable for the reasons stated above. Likewise, claim 11 is dependent on claim 10, which is allowable in view of the statements above. Applicants respectfully request withdrawal of the rejection and allowance of claims 8 and 11.

Applicants respectfully submit that the newly submitted claims are novel and non-obvious in view of the art made of record. Claims 5 and 13 were amended to correct a typographical error. Claims 18-20 were added to round out the claims to the present invention. Support for this claim can be found at least in the specification, and with respect to claim 20, in at least paragraphs [0057] and [0058]. No new matter has been added.

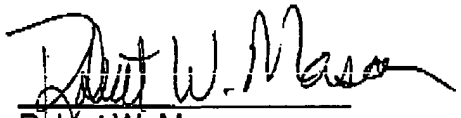
Petition for extension is herewith made. The extension fee for response within a period of three months pursuant to Section 1.136(a) in the amount of $1,020.00 in accordance with Section 1.17 is enclosed herewith.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment made with this Office Action, to Deposit Account Number 500326.

In light of all the foregoing, believing that all things raised in Examiner's November 1, 2005 Office Action have been addressed, applicants respectfully request reconsideration of the prior rejections and objections, as well as allowance of the claims and passage of the application to issue. If the Examiner would care to discuss any remaining matters by phone, applicants invite the Examiner to contact the undersigned at 210.255.6271.

Appl. No. 10/600,061
Amdt. dated May 1, 2006
Reply to Office Action of November 1, 2005

Respectfully submitted,



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